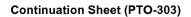
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/563,273	BERGE ET AL.	
Examiner	Art Unit	
OLUWATOSIN OGUNBIYI	1645	

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The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress	
THE REPLY FILED 15 December 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.				
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appelor Continued Examination (RCE) in compliance with 37 Coperiods:	replies: (1) an amendment, affidavit eal (with appeal fee) in compliance v	, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request	
a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(i Extensions of time may be obtained under 37 CFR 1.136(a). The date	dvisory Action, or (2) the date set forth in ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE f).	date of the final rejection FIRST REPLY WAS FII	n. LED WITHIN TWO	
have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ension and the corresponding amount on the hortened statutory period for reply origing than three months after the mailing date	of the fee. The approprianally set in the final Office of the final rejection, e	ate extension fee e action; or (2) as ven if timely filed,	
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed wind AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the	s of the date of appeal. Since a	
3. The proposed amendment(s) filed after a final rejection, to (a) They raise new issues that would require further core (b) They raise the issue of new matter (see NOTE below (c) They are not deemed to place the application in better appeal; and/or (d) They present additional claims without canceling a content of the c	nsideration and/or search (see NOT w); ter form for appeal by materially rec	E below); lucing or simplifying th		
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.12 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be all non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proved the state of the claim(s) is (or will be) as follows:	owable if submitted in a separate, t	imely filed amendmer	nt canceling the	
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 22,23 and 44-50. Claim(s) withdrawn from consideration: 24-43. AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and				
was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	a Notice of Appeal, but prior to the vercome <u>all</u> rejections under appea	date of filing a brief, w I and/or appellant fails	vill <u>not</u> be s to provide a	
 The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER The request for reconsideration has been considered but 				
12. Note the attached Information <i>Disclosure Statement</i> (s). (13. Other:				
/Robert B Mondesi/ Supervisory Patent Examiner, Art Unit 1645				



Application No.